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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,436	08/20/2003	Alessandro Manneschi	15675P471	8057

8791 7590 02/14/2006

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EXAMINER

WHITTINGTON, KENNETH

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/645,436	Applicant(s) MANNESCHI, ALESSANDRO	
	Examiner Kenneth J. Whittington	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,10,12-19 and 21-33 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7,9,10,12-19,21-28,32 and 33 is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

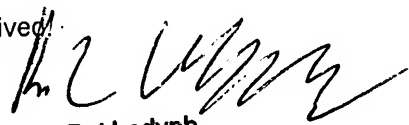
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Bot Ledyne
Primary Examiner

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The Amendment filed January 23, 2006 has been entered and the remarks thereto considered.

Allowable Subject Matter

Claims 1-7, 9, 10, 12-19, 21-28, 32 and 33 are allowed.

7 The following is an examiner's statement of reasons for allowance: the reasons for allowance are the same as those indicated in the previous Office Action in view of the amendments and remarks by Applicant in the noted Amendment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Response to Amendment

It is noted that claims 13 and 14 were indicated as being allowable if the claims were re-written in independent form to include all of the limitations of the base and any intervening claims. However, during Applicant's amendments of these claims into independent form as new claims 29 and 31, respectively, Applicant has omitted several limitations in the intervening

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claims, i.e., claims 1 and 8 for claim 13 and claims 1, 8 and 13 for claim 14, which were necessary to make the claim allowable. Without these limitations, the claims read on the prior art as noted below.

Claim Objections

7 Claim 29 is objected to because of the following informalities: "the output means (58)" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

14 Claims 29 and 30 are rejected under 35 U.S.C. 102(3) as being anticipated by Tokutsu (US 6,479,993). Regarding claim 29, Tokutsu discloses a metal detector comprising transmitting coils (See Tokutsu FIGS. 1 and 4, item 21), receiving coils (See item 25) and an electronic processing circuit (See generally FIGS. 1 and 4) adapted to detect variations in signals received by the receiving coils in relation to a reference value (See
21 col. 2, lines 36-52), further comprising a test module comprising selection means (See FIGS. 1 and 4, items 5 and 6) for detecting a test request, and control means (See FIGS. 1 and

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4, items 3-13), used when a test request by the selection means is detected, for comparing the signals from the receiving coils, at the time of the subsequent passing of a standard reference object through the detector with a predetermined response (See col. 5, lines 6-46, note the product with the test object is compared to a predetermined response of a product with no test
7 object), wherein an output module modifies the detection parameters if the signals from the receiving coils do not fall within a given predetermined tolerance range during calibration (See FIGS. 1 and 4, note items 9A and 12A and see col. 4, line 4 to col. 8, line 27).

Regarding claim 30, the test module is adapted to carry out control operations for each of the detector's channels (Note
14 that there is only one channel in Tokutsu, thus the operations are perform in this or each channel).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 31 is rejected under 35 U.S.C. 103(a) as being
21 unpatentable over Tokutsu in view of Cottrell (US 4,672,837).

Regarding this claim, Tokutsu teaches the features as noted above and further teaches moving the test object along a

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rectilinear path through the detector. However, Tokutsu does not teach the object passing through successive times along paths at different heights. Cottrell teaches moving a test object through a metal detector a successive number of times at pluralities of heights and distances from a center of the pathway (See col. 1, lines 45-49, col. 4, lines 14-34, and col. 1, lines 65-67). It would have been obvious at the time the invention was made to move the standard reference object through the detector as taught by Tokutsu a successive number of times at differing heights between the bottom and the top of the detector as taught by Cottrell. One having ordinary skill in the art would have been motivated to do so to determine the presence of hard to detect objects passing through varying locations of the metal detector (See Cottrell col. 1, lines 6-35).

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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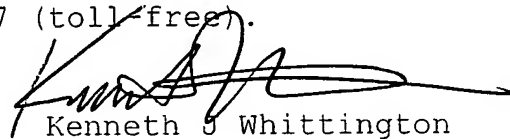
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will
7 expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth
14 J. Whittington whose telephone number is (571) 272-2264. The examiner can normally be reached on Monday-Friday, 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is
21 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kenneth S Whittington
Examiner
Art Unit 2862

kjw